

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION

EUGENE K. JONES-EL,)	
)	
Plaintiff,)	
)	
v.)	No. 2:18 CV 65 JMB
)	
CHANTAY GODERT, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff Eugene Jones-El's "Motion for the Court to Rule that the Defendants are not Entitled to any Kind of Immunity Defenses or Protections and Nor are they Entitled to Summary Judgment Relief" (ECF No. 42) and Defendants' Motion to Amend Case Management Order (ECF No. 41).

In the Supplemental, or in the Alternative Second Amended 1983 Civil Complaint filed on December 19, 2018, Plaintiff alleges, in part, that Defendants failed to provide him with basic hygiene items and mailing and legal supplies. (ECF No. 23) In his motion, Plaintiff requests the Court to confirm that Defendants are not shielded by immunity and ask that Defendants be barred from filing a motion for summary judgment. In the interest of justice and under the current posture of the instant action, the Court extended the discovery and dispositive motion deadlines in the February 13, 2019 Order. To that end, the Court will not consider any dispositive motions until after September 27, 2019, the dispositive motion deadline.

Having reviewed the Supplemental, or in the Alternative Second Amended 1983 Civil Complaint, the motion must be denied without prejudice at this time. Whether Defendants may be ultimately entitled to immunity or Plaintiff may ultimately be entitled to relief on some or all

of his claims are not properly before the Court at this stage of the proceedings. Again, these issues remain to be determined at a later stage of the proceedings after September 27, 2019, the dispositive motion deadline. Accordingly, the instant motion will be denied without prejudice. The Court's preferred practice is to consider and rule on parties' dispositive motions at the same time, as it promotes fairness and consideration of all arguments. To that end, Plaintiff's motion for summary judgment that was denied without prejudice on February 13, 2019, will be automatically reconsidered (without need of refile) once Defendants' motion for summary judgment is on file and fully briefed or after the passing of the dispositive motion deadline.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's "Motion for the Court to Rule that the Defendants are not Entitled to any Kind of Immunity Defenses or Protections and Nor are they Entitled to Summary Judgment Relief" (ECF No. 42) is Denied without prejudice.

IT IS FURTHER ORDERED that Defendants' Motion to Amend Case Management Order (ECF No. 41) is GRANTED. As outlined in the February 13, 2019, Order, the deadline for completion of discovery is August 5, 2019, and the dispositive motion deadline is September 27, 2019.

/s/ John M. Bodenhausen
JOHN M. BODENHAUSEN
UNITED STATES MAGISTRATE JUDGE

Dated this day 26th of March, 2019.